



BOROUGH OF  
*Kinnelon*  
130 Kinnelon Road  
Kinnelon, New Jersey 07405

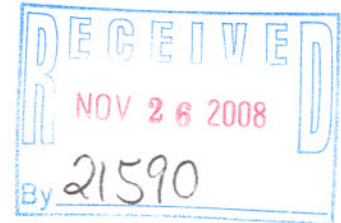
BOROUGH CLERK

Phone: 973-838-5401

Extension 1

Fax: 973-838-1862

November 24, 2008



Eileen Swan  
Executive Director  
Highlands Water Protection and Planning Council  
100 North Road (Route 513)  
Chester New Jersey, 07930-2322

Re: Resolution 11.01.08 and 11.02.08

Dear Ms. Swan,

Enclosed you will find one certified copy of each Resolution 11.01.08 (Borough of Kinnelon's Notice of Intent to Petition the Highlands Council for Plan Conformance) and Resolution 11.02.08 (Borough of Kinnelon's Resolution Seeking and Extension of the Deadline to Petition for Substantive Certification Pursuant to Executive order 114 and the Memorandum of Understanding Between the Highlands Council and the Council on affordable Housing).

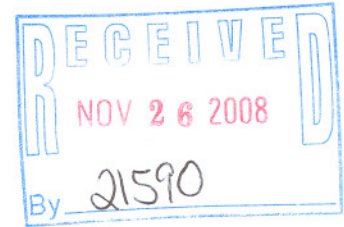
If you have any questions, please feel free to call.

Very truly yours,  
BOROUGH OF KINNELON

Karen M. Iuele  
Deputy Borough Clerk

cc. John P. Miller, Esq.

Enclosure



RESOLUTION NO. 11.01.08

**BOROUGH OF KINNELON'S NOTICE OF  
INTENT TO PETITION THE HIGHLANDS  
COUNCIL FOR PLAN CONFORMANCE**

**WHEREAS**, the Highlands Water Protection and Planning Act ("Highlands Act"), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other key natural resources; and

**WHEREAS**, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council ("Highlands Council") to prepare and adopt a Regional Master Plan for the Highlands Region and requiring that within nine to 15 months after September 8, 2008, each county and municipality located wholly or partially in the Preservation Area must submit a Petition for Plan Conformance ("Petition") to the Highlands Council for that portion of its jurisdiction lying within the Preservation Area; and

**WHEREAS**, the Highlands Act specifies that conformance with the Regional Master Plan ("Plan Conformance") requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

**WHEREAS**, the Highlands Council's Plan Conformance Guidelines require that for jurisdictions with any lands in the Preservation Area, a Notice of Intent to conform to the

Regional Master Plan must be submitted to the Highlands Council as soon as practicable, but not later than February 1, 2009 and that for any lands in the Planning Area, a Notice of Intent may be submitted at any time; and

**WHEREAS**, the Borough of Kinnelon lies within the Highlands Region as defined by the Highlands Act; and

**WHEREAS**, the Governing Body of the Borough of Kinnelon ("Governing Body") believes that it is in the best interest of the Borough to conform to the Regional Master Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body hereby provides the Highlands Council with this Notice of Intent to petition the Highlands Council for Plan Conformance for all lands lying within the Preservation Area.

**BE IT FURTHER RESOLVED** that the Governing Body intends to include all lands lying within the Planning Area in the Petition. In accordance with the Highlands Council's Plan Conformance Guidelines, this Notice of Intent is not binding with respect to lands within the Planning Area.

**BE IT FURTHER RESOLVED** that, notwithstanding the fact that the Governing Body believes it is in the best interest of the Borough to conform to the Regional Master Plan, the Governing Body objects to the expenditure of municipal funds to achieve Plan Conformance, without the concurrent provision of adequate funds to both achieve Plan Conformance and absorb the results and consequences of the Plan Conformance and declares that this obligation imposed upon the Borough of Kinnelon violates Article VIII, Section II, Paragraph 5 of the New Jersey Constitution, which prohibits the imposition of new obligations upon municipalities without providing the funding therefore.



**BE IT FURTHER RESOLVED** that the Governing Body believes the State of New Jersey should bear the costs associated with the Borough's preparation of its Petition for Plan Conformance.

**BE IT FURTHER RESOLVED** this Notice of Intent provides notice to the Highlands Council that the Governing Body has set December 1, 2009 as the target date for submission of a Petition for Plan Conformance.

### C E R T I F I C A T I O N

I, Elizabeth M. Sebrowski, Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Governing Body at a regular meeting of the Borough held on November 20, 2008.

  
Elizabeth M. Sebrowski, Borough Clerk